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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 DIANA RINCON,

9 Plaintiff,

v.

10 NATIONAL RAILROAD PASSENGER
11 CORPORATION,

12 Defendant.

CASE NO. C18-5415 BHS

ORDER GRANTING PLAINTIFF'S
MOTION TO CONSOLIDATE

13 This matter comes before the Court on Plaintiff Diana Rincon's ("Rincon")
14 motion to consolidate case with the Karen and Kevin Barrett case. Dkt. 21.

15 On May 24, 2018, Rincon filed a complaint against Defendant National Railroad
16 Passenger Corporation ("Amtrak") asserting claims for damages resulting from a train
17 derailment. Dkt. 1. On July 19, 2018, Plaintiffs Karen and Kevin Barrett filed a
18 complaint against Amtrak for injuries resulting from the same accident. *Barrett v.*
19 *Amtrak*, C18-5572BHS, Dkt. 1.

20 On June 20, 2019, Rincon filed a motion to consolidate these cases under the
21 schedule issued in the Rincon case. Dkt. 21. On July 1, 2019, Amtrak responded and
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1 does not oppose consolidation, but it does oppose implementing the schedule in the
2 Rincon case. Dkt. 22. On July 5, 2019, Rincon replied. Dkt. 24.

3 If actions before the Court involve a common question of law or fact, the Court
4 may consolidate the actions. Fed. R. Civ. P. 42(a)(2). In this case, the two cases involve
5 common questions of law and fact warranting consolidation. Thus, the Court grants
6 Rincon's motion as to the issue of consolidation.

7 Regarding the appropriate scheduling order, Amtrak argues that it will suffer
8 prejudice if the Court imposes the Rincon schedule because it will not have sufficient
9 time to conduct discovery in the Barrett case. Dkt. 22 at 2. Although discovery issues
10 may arise in shortening the discovery period for the Barrett case, at this point Amtrak's
11 alleged prejudice is purely hypothetical. If Amtrak is unable to complete its discovery by
12 the deadline through due diligence, then the Court expects the parties to meet and confer
13 regarding either a severance or continuance of the consolidated matters. In other words,
14 the Court finds that Amtrak has sufficient time to complete discovery in both matters by
15 the Rincon discovery deadline. Therefore, the Court will impose the Rincon schedule.

16 The Clerk is directed to post this order in both cases and administratively close the
17 Barrett case. All further filings in these matters shall be in the Rincon case.

18 **IT IS SO ORDERED.**

19 Dated this 25th day of July, 2019.

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BENJAMIN H. SETTLE
United States District Judge